

REMARKS

Claims 1-3, 5, 6, and 8-17 were previously pending in the application. By the Amendment, Claims 1, 2, 3, 16 and 17 are currently amended, and Claims 5, 6 and 8-15 remain unchanged.

The claims stand rejected under the cited prior art of record. Specifically, Claims 1-3, 5, 6, 16 and 17 were rejected under 35 USC §103(a) as being unpatentable over Gibson, US Patent No. 3051184 (Gibson '184) in view of German Patent DE 3627732 (DE '732).

Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Gibson '184 in view of DE '732, and further in view of Back, US Patent No. 5868937 (Back '937).

Claim 9 was rejected under 35 USC §103(a) as being unpatentable over Gibson '184 in view of DE '732, and further in view of Eisenmann et al., US Patent No. 2963979 (Eisenmann '979), German Patent DE1807932 (DE '932), or French Patent FR 2567156 (FR '156).

Claims 10-13 were rejected under 35 USC §103(a) as being unpatentable over Gibson '184 in view of DE '732, and further in view of Wright, US Patent No. 4594500 (Wright '500).

Claims 14 and 15 were rejected under 35 USC §103(a) as being unpatentable over Gibson '184 in view of DE '732, and further in view of Stover, et al., Slayter, or UK Patent UK 2212901 (UK '901).

The Applicant respectfully traverses the above-stated rejections and submits to the contrary that the present invention as recited in Claims 1-3, 5, 6, and 8-17 is neither disclosed nor suggested by any of the cited references taken singly or in combination.

Independent Claim 1 recites a dishwasher with a dishwashing compartment and a pump connected to dishwashing compartment for channeling liquid to the dishwashing compartment. The pump is disposed outside the dishwashing compartment.

The pump includes a pump housing disposed in a pump housing compartment. The pump housing defines an interior and includes a motor and an impeller therein. A heater is provided for heating dishwashing liquid with the heater including a heating device disposed at least partially outside the dishwashing compartment on the pump housing. The heating device defines a heat transfer surface extending into heat-conducting contact with the interior of the pump housing and any dishwashing liquid therein. The heating device is operable to provide heat, via its heat transfer surface providing heat-conducting contact with the interior of the pump housing for heating the dishwashing liquid flowing into the pump housing.

In substantial contrast, Gibson '184 provides a pump with an impeller 37 contained within a pump housing, 28, 29 with the impeller 37 being driven by shaft 58 which is rotated by motor 55. In Figure 1, it is clearly seen that the motor 55 is disposed outside of the pump housing 28, 29, in contrast to the assertions set forth in the Official Action, and in contrast to the invention defined in Independent Claims 1, 16 and 17 of the present application.

Gibson '184 includes a heater in the form of an electrical heating coil 58 connected in peripheral contact with the pump casing to encircle portions of the

inlet troughs 31 and 32 and the casing portions proper of the pump (Column 3, lines 73 - 75; Column 4, lines 1 - 2). Operation of the Gibson '184 dishwasher includes a drying stage wherein the pump blows heated air against the deflection or distribution vane to thoroughly dry the articles confined within the cabinet. (Column 5, lines 20 - 25). It can be therefore seen that the heating element of Gibson '184 does not heat the dishwashing liquid but rather heats drying air for the dishes after the washing and rinsing cycles are complete.

The heating coils are illustrated at 58 in Figure 1 and do not include any sort of heat transfer surface extending into the pump interior which would be required for sufficiently heating a liquid flowing through the pump rather than the general heating of the housing provided in the Gibson '184 device for heating air coming through the pump. Therefore, not only is the heating device of the present invention functionally distinct from the Gibson heating device it is also structurally distinct therefrom.

From the above, it can be seen that the Gibson '184 reference does not disclose the present invention as defined in Independent Claims 1, 16 and 17. Therefore, the combination of Gibson '184 and any other reference is improper for rejecting the present claims under §103(a).

The DE '732 patent is directed to providing a specific fluid flow passage through a washing device such as a dishwasher or a clothes washer to prevent build-up of contaminants. The structure of such a flow arrangement is discussed in the DE '732 patent. However, nowhere does it disclose the structural features of the present invention as asserted in the Official Action. In the specification, the DE '732 reference does not discuss a pump located outside of the washing compartment of a dishwasher. The Figures do not illustrate a dishwasher, but rather a clothes washer. It would be difficult if not impossible to locate a pump inside the rotating drum of a clothes washer as illustrated in DE '732. Therefore,

the illustration of a pump outside such a rotating drum should be considered standard practice and therefore expected for washing machines, yet offers no insight with respect to dishwasher practice. Therefore, the DE '732 patent does not disclose a pump outside of a washing compartment in a dishwasher.

Further, there is no indication that there is a heat transfer surface in contact with the interior of the pump in DE '732. Therefore, not only is the Gibson '184 patent improperly combined with the DE '732 patent to assertedly achieve the present invention, neither patent teaches nor suggests the subject matter of the independent claims in the present application. It is therefore respectfully asserted that the outstanding rejection under § 103(a) is in error and should be withdrawn.

Regarding any rearrangement of parts arguments, the present claims recite structural features neither taught nor suggested by the cited references, as seen in the claims and as discussed above. Accordingly, the present claimed invention is not a mere rearrangement of parts, but is directed to substantial structural features not found in the art.

For these and other reasons, Gibson '184 and DE '732, either alone or in combination, do not teach or suggest the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2, 3, 5, 6, and 8-15 ultimately depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

In addition, for the foregoing and other reasons, Gibson '184 and DE '732, either alone or in combination, do not teach or suggest the subject matter defined by independent Claims 16 and 17. Therefore, Claims 16 and 17 are allowable.



ATTORNEY DOCKET NO.: 1998P13024US01

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 1-3, 5, 6, and 8-17 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Russell W. Warnock

Name of Attorney Signing

Respectfully submitted

Russell W. Warnock

Registration No. 32,860

March 29, 2007

BSH Home Appliances Corp.
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
russ.warnock@bshg.com